

**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

DENNIS RITTLE,)	
)	
Plaintiff)	
)	Case No.:
v.)	
)	COMPLAINT AND DEMAND FOR
NATIONAL RECOVERY AGENCY,)	JURY TRIAL
)	
Defendant)	(Unlawful Debt Collection Practices)

COMPLAINT

DENNIS RITTLE (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NATIONAL RECOVERY AGENCY (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3 3. Defendant conducts business in the Commonwealth of Pennsylvania
4 and as such, personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

6 **PARTIES**

7 5. Plaintiff is a natural person residing in Annville, Pennsylvania 17003.

8 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C.
9 §1692a(3).

10 7. Defendant is a national debt collection company with its corporate
11 headquarters located at 2491 Paxton Street, Harrisburg, Pennsylvania 17111.

12 8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
13 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

14 9. Defendant acted through its agents, employees, officers, members,
15 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
16 representatives, and insurers.

17 **FACTUAL ALLEGATIONS**

18 10. At all pertinent times hereto, Defendant was hired to collect a
19 consumer debt and attempted to collect that debt from Plaintiff.

20 11. Defendant collects, and attempts to collect, debts incurred, or alleged
21

1 to have been incurred, for personal, family, or household purposes on behalf of
2 creditors using the U.S. Mail, telephone and/or internet.

3
4 12. The debt Defendant was seeking to collect, an auto loan, arose out of
5 transactions that were primarily for personal, family, or household purposes.

6 13. Beginning in or around March 2012 and continuing through
7 November 2012, Defendant continuously and repeatedly contacted Plaintiff on his
8 cellular telephone seeking and demanding payment of an alleged debt.
9

10 14. Defendant contacted Plaintiff, on average, three (3) times a day,
11 resulting at times in more than ten (10) collection calls a week, in its attempts to
12 collect an alleged debt.

13
14 15. It was aggravating, annoying and harassing for Plaintiff to receive
15 continuous collection calls on his cellular telephone.

16 16. In response to Defendant's collection calls, on more than one
17 occasion, Plaintiff instructed Defendant to stop calling him,
18

19 17. Despite Plaintiff's clear request, Defendant continued to call Plaintiff
20 on a continuous and repetitive basis, most of the time resuming its collection calls
21 to him 48 hours later.

22
23 18. Defendant knew that Plaintiff did not want to be called on his cellular
24 telephone, but continued to do so, with the intent to annoy, abuse and harass
25 Plaintiff, hoping that such continued calls would cause Plaintiff to make payment

1 on the alleged debt.

2 19. Further, in response to Plaintiff's request that Defendant stop calling,
3 Defendant falsely claimed to Plaintiff that it did not have to stop calling, and
4 instead could do whatever it wanted to collect the debt.
5

6 20. Upon information and belief, Defendant called Plaintiff on a
7 repetitive and continuous basis with the intent of harassing Plaintiff into paying
8 the alleged debt.
9

10 **DEFENDANT VIOLATED THE**
11 **FAIR DEBT COLLECTION PRACTICES ACT**

12 **COUNT I**

13 21. Defendant's conduct, as detailed in the preceding paragraphs, violated
14 15 U.S.C. §§1692d and 1692d(5).
15

16 a. A debt collector violates §1692d of the FDCPA by engaging in
17 conduct of the natural consequence of which is to harass, oppress,
18 or abuse any person in connection with the collection of a debt.
19

20 b. A debt collector violates §1692d(5) of the FDCPA by causing a
21 telephone to ring or engaging any person in telephone conversation
22 repeatedly or continuously with the intent to annoy, abuse, or
23 harass any person at the called number.
24

25 c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA by
continuously contacting Plaintiff, on average, three (3) times a day

1 in attempts to collect a consumer debt with the intent to annoy,
2 abuse, and harass Plaintiff.

3
4 **COUNT II**

5 22. Defendant's conduct, as detailed in the preceding paragraphs, violated
6 15 U.S.C. §1692e of the FDCPA.

7 a. A debt collector violates §1692e of the FDCPA by using any false,
8 deceptive or misleading representations or means in connection
9 with the collection of any debt.

10
11 b. Here, Defendant violated §1692e of the FDCPA by telling Plaintiff
12 that it could do whatever it wanted in its attempts to collect the
13 alleged debt.

14
15 WHEREFORE, Plaintiff, DENNIS RITTLE, respectfully prays for a
16 judgment as follows:

- 17 a. All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1);
18
19 b. Statutory damages of \$1,000.00 for the violation of the FDCPA
20 pursuant to 15 U.S.C. §1692k(a)(2)(A);
21
22 c. All reasonable attorneys' fees, witness fees, court costs and other
23 litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
24 §1693k(a)(3); and
25
d. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DENNIS RITTLE, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

Date: 02/27/2013

By: /s/ Craig Thor Kimmel

CRAIG THOR KIMMEL

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